



Indiana Pro Bono Commission
230 East Ohio Street, 4th Floor
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 110
Indianapolis, IN 46204

COMBINED 2002 DISTRICT REPORT, 2004 PRO BONO GRANT APPLICATION, AND 2004 PLAN

Pro Bono District 12

Applicant: Ron Nutter

Mailing Address: 3303 Plaza Drive, Suite 5

City: New Albany, **IN** **Zip:** 47150

Phone: (812) 945-4123, ext. 22 **Fax:** (812) 945-7290

E-mail address: ron.nutter@ilsa.net **Web site address:** N/A

Judicial Appointee: Ted R. Todd, Judge, Jefferson Circuit Court

Plan Administrator: Ron Nutter

Names of Counties served: Dearborn, Jefferson, Ohio, Ripley and Switzerland

Amount of grant received for 2002: \$15,750

*** Amount of grant unused from 2002 and previous years:** N/A

*** Amount of grant unused but committed to expenses in 2003:** N/A

Amount of grant received for 2003: \$16,060

Amount requested for 2004: \$18,840

*** Please submit request for approval to the Indiana Bar Foundation.**

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but

were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations. The associations believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

The district does not at the present time have a grievance procedure. This will be addressed in the coming year as the Advisory Board with the Plan Administrator will establish a means by which a grievance can be communicated, investigated and appropriately rectified.

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Judicial Appointee Signature

Date

Plan Administrator Signature

Date

2002 REPORT AND 2004 PLAN SUMMARIES

- 1. In 125 words or less, please write a brief summary of your District's 2002 progress suitable for use in press releases.**

Legal Volunteers of Indiana Judicial District 12 continues to expand its ability to provide needed pro bono legal services in the area of civil law to the poor in five southeastern Indiana counties.

With its mission to provide volunteer legal time and talents assuring the poor, elderly and disabled representation within our legal system, Legal Volunteers has helped serve the legal needs of citizens in Dearborn, Jefferson, Ohio, Ripley and Switzerland counties.

The program provides assistance from practicing attorneys to those citizens who qualify according to federal guidelines of poverty on a pro bono (no fee required for attorney services) basis. These lawyers can help with divorces, child custody, housing, income maintenance and other legal matters. Call (812) 945-4123 for more information

- 2. In 125 words or less, please write a brief summary of the 2004 grant request suitable for use in press releases related to any grant award. Suggested areas to cover are: needs to be addressed, methods, target audience, and anticipated outcomes.**

Grant funding will continue the mission of Legal Volunteers of Indiana Judicial District 12 to provide needed pro bono legal services to the poor.

In particular, it will help match lawyers willing to volunteer their time, energy and professional experience with men and women of Dearborn, Jefferson, Ohio, Ripley and Switzerland counties who are unable to proceed with legal matters on their own because of a lack of financial resources.

The funds will further aid in reaching out both to lawyers who will be willing to lend their efforts and to citizens to make them aware of the resources available to them through the program.

The intent is to assure every citizen's dignity by assuring equitable access to the courts, regardless of financial status.

2002 REPORT

In the next two pages, describe your District's 2002 achievements and activities in relation to the plan approved for 2002 funding. It is permissible to include a relevant number of appendices to further describe 2002 achievements. Please number and reference the appendices.

Legal Volunteers of Indiana Judicial District 12 gratefully acknowledges its funding with IOLTA grant awards, which help it to attain the goals of its mission in providing legal services to those who qualify according to federal guidelines of poverty. To meet the at times overwhelming needs of the citizens of Dearborn, Jefferson, Ohio, Ripley and Switzerland counties is a daunting and monumental task. The district is blessed to have the leadership of The Honorable Ted R. Todd, a committed Advisory Board and the compassion and skills of a number of attorneys throughout the district.

Among the goals for 2002 were the expansion of the program in terms of lawyers volunteering their time and clients served. These goals have been met as more lawyers now volunteer their services and more clients are able to access the court system with legal representation. Another goal was simply to give the program a higher profile in the community. To that end, two brochures were developed – one to help recruit lawyers to the program and one to inform the public at large about the services available.

There clearly is resistance on the part of some lawyers who choose not to participate. They feel, and in most cases justifiably so, that they already are active providing pro bono services. There is also the perception on the part of some lawyers that Legal Volunteers, the local embodiment of Rule 6.5, is a centralized approach to pro bono work that will somehow threaten their independence as lawyers to take on cases of their own choosing. It is a perception the program seeks to challenge and change. While some progress has been made through presentations at bar associations and through ad hoc meetings with lawyers, there is still much educating to be done.

Legal Volunteers has a clearly defined mission “to volunteer legal time and talents assuring the poor, elderly and disabled representation within our legal system.” Plan Administrator Nancy Reschar worked tirelessly to make this mission known both in the district's legal community and in the community at large in 2002. Still in its infancy, her efforts has resulted in a wider recognition and acceptance of the program's goals and of the methodology used to meet the continuing needs of the poor in the area for legal services.

Reschar's time was spread between Indiana Judicial District 12 and District 14, which limited somewhat her ability to represent the program in District 12. Fact is, the Indiana Legal Services, Inc., New Albany office, which plays such an integral role in the work of Legal Volunteers District 12, is geographically removed from the district such that the district has sometimes been described as the “step-child” of the program with more attention given to District 14. Regardless, Reschar was able to put in place the means for Legal Volunteers to gain visibility, then recognition, for its work in 2002.

On March 13, 2002, there was a meeting at Clifty Falls Inn, Madison, Ind., sponsored by Indiana Legal Services, Inc., inviting the local community to provide input as to what the priorities

2002 REPORT, CONTINUED

should be of the New Albany Legal Services office. Invitations were sent to local judges, attorneys, social service agencies and religious leaders.

The forum was moderated by J. Mark Robinson of the New Albany Legal Services office. It was co-facilitated by Colleen Cotter of Indiana Legal Services Bloomington office and Judge Todd of the Jefferson County Circuit Court. The discussion centered around the needs of the poor in Indiana, with much of the information coming from a public opinion poll conducted by the Indiana University Public Opinion Lab. While the results of the poll do not entirely reflect the reality of client needs as reflected in actual contacts with the New Albany office, there still was ample evidence the legal needs of the poor are substantial and continuing. The meeting helped those gathered to understand the depth of need among the most invisible among us – the poor, many of whom seem already to have given up and with little hope of ever finding redress of their legal difficulties through the courts.

District 12 has made strides in meeting the needs of the poor and is aware that much work remains to be done. Frustrating as it is to not be able to do all one wishes could be done, it nevertheless is personally rewarding and benefits the community at large.

<u>2002 VOLUNTEER LAWYER ACTIVITY</u>				
Legal Service Provider Agency or Organization (Include Bar Associations)	Number of Participating Volunteer Lawyers	Number of Volunteer Lawyer Hours Reported on Cases Closed in 2002	Number of Open Volunteer Lawyer Cases	Number of Low-income Citizens Receiving Limited Legal Information from Volunteer Lawyers*
Dearborn/Ohio	24	79.5	7	
Jefferson	12	38.5	6	
Ripley	10	30.4	1	
Switzerland	0	N/A	N/A	
Cincinnati	1		1	

*This category includes Volunteer Lawyer public outreach to low income citizens for a one-time, limited contact such as call-in or walk-in information services, pro-se clinics and panel presentations. Please put in parentheses the number of citizens whose income was not determined.

Definitions:

Case: A legal matter referred to a pro bono attorney volunteer

Participating Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program.

2002 VOLUNTEER LAWYER ACTIVITY, CONTINUED *
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Please list any volunteer lawyer activity category utilized by the organization receiving Pro Bono funding which was not included in the previous table. Include the definition and 2002 statistics for the category.

None

In order to make reporting more consistent and concise in the future, please list the various categories used by legal service providers in your district for recording volunteer lawyer activity. Define each category. (If more than one agency or organization has the same category and definition, please list it once, indicating the number of organizations using the category.)

Legal Volunteers uses Legal Services of Indiana, Inc., coding to identify types of cases and legal issues. This allows for the appropriate compilation of statistics by lawyer, county, and type of legal issue in order to establish trends, overextension of lawyers, lawyers who have volunteered who are underused, etc.

2002 VOLUNTEER LAWYER ACTIVITY BY TYPE OF CASE

Number Of Lawyers Participating In Pro Se Clinics, Call-In Services And Other Limited Informational Activities in 2002: 0.

Type Of Case (Primary Issue)	Total Of All District Legal Service Pro- vider Active Cases Assigned To And Accepted By A Volunteer Lawyer.
Consumer/Finance	
Education	
Employment	
Family	43
Guardianship	1
Juvenile	
Health	
Housing	
Immigration/Naturalization	
Income Maintenance	1
Individual Rights	1
Mediation	
Wills & Estates	
Other (specify)	1 (Elder Law)
Total Number of Cases	47

2004 PLAN AND REQUEST

In the following two pages, describe items or activities planned for 2004 for which funding is requested.

If a special event, such as a pro se clinic, volunteer banquet, or Continuing Legal Education seminar is planned, please include the total projected cost of the event in parenthesis at the end of the descriptive paragraph.

Legal Volunteers of Indiana Judicial District 12 came into existence through the legal midwifery of Indiana Legal Services, Inc., New Albany office and Indiana Judicial District 14. Under the very capable administration of Nancy Reschar, District 12 was able to establish a name for itself among some area lawyers and, through its good work, to establish itself as a source of needed legal services to those unable to acquire such services, usually for financial reasons.

District 12 has made a move toward establishing its independence at the beginning of 2003 when Ms. Reschar left her position as Plan Administrator for Districts 12 and 14. Instead of hiring a single person to be the Plan Administrator both districts, it was decided to hire an individual for each district on a part-time basis. In January 2003 Ron Nutter became the Plan Administrator for District 12, working 20 hours per week.

The disadvantage of working part-time is the learning curve is extended. Over time, though, Dr. Nutter began to extend the reach of the pro bono program by bringing in more lawyers willing to give of their time and experience. He has personally visited lawyers in each county of the district as well as introduced himself to several of the judges in an effort to reach out to the legal community. Without question, more work needs to be done in this area, particularly in Dearborn County where the requests for legal services on a pro bono basis outstrips our ability to deliver because of a lack of resources, i.e. lawyers.

Some of the lawyers in Dearborn County in particular, but in the other counties as well, have done yeoman work in meeting the needs of citizens often in dire social and financial circumstances. We are sensitive to the risk of overburdening these lawyers, which might well transform their good will into a hesitance to answer the phone when Legal Volunteers comes calling. Thus we make a conscious effort to not overburden them. The price for that, though, is a frustrating inability to offer pro bono services to all potential clients seeking legal services.

It is for this reason a primary and continuing goal of District 12 will be to attract new lawyers to the program. There is some resistance on the part of some lawyers in the area, and for a variety of reasons. Many who spurn our invitation cite their own pro bono work, many of them doing significant pro bono work while others treat their fee-for-service clients who haven't paid as *de facto* pro bono cases. There is also the perception on the part of many area lawyers that this Rule 6.5 program with its affiliation with Legal Services of Indiana, Inc., is a centralized and bureaucratic effort that will somehow rob them of their judicial independence. We know that is not the case, and it is a goal for the coming year to make clear through an educational effort that each lawyer's independence is both protected and respected.

An important event planned for 2004 is a CLE conference in which area lawyers can gain needed CLE credit while also learning about the mission and methodology of Legal Volunteers. Their "payment" to attend

2004 PLAN AND REQUEST, CONTINUED

the conference will be a promise to volunteer their services on a pro bono basis a stipulated number of times to be determined. It is hoped by being exposed to the program first at a conceptual level, and then experientially, that they will become steadfast members of Legal Volunteers. (\$1,000)

The major expense for 2004, to be expected, is salary for the Plan Administrator. As a part-time position it is difficult to recruit good people without decent remuneration. Unfortunately for the district, a new Plan Administrator will have to be hired by the end of the summer 2003. Dr. Nutter will either accept a fulltime faculty position for the fall or will enter a graduate Library Science program in September.

Attracting and hiring a good person will allow the new Plan Administrator to continue the outreach to lawyers in the area. Once more lawyers are “in the fold” it is hoped the program will be able to reach out more forcefully to social service agencies to identify the needs that can be met through the program. If possible, the district will also begin the process of establishing some sort of *pro se* events in which district residents might be able to gain valuable legal insights and advice in group settings or during some sort of call-in program, perhaps in conjunction with local radio stations.

Another area of pressing need is a source of independent funding. As grateful as we are for IOLTA funds, it would be better if the district had a flexible and substantial source of funding that would allow the program to venture into aggressive public relations to “spread the word” of what Legal Volunteers works to accomplish. Economic circumstances at present are not conducive for successful fundraising, though there may be a change in prospects as the economy is showing signs of rebounding. At present, though, some community foundations have even cancelled grants already awarded because their own endowment funds have been diminished. Fundraising will be a continuing task for the Plan Administrator.

The administrative “flow” will continue to be addressed in 2004. The Plan Administrator generally is not expected to be in New Albany each day, so the necessary work there sometimes has a built-in delay. At some point in the future, though not in 2004, it is expected that District 12 will be able to establish its independence more firmly by moving records and operations from New Albany to within District 12. By that time it is expected that, through fundraising efforts, the Plan Administrator for District 12 will be a fulltime position. In the meantime, the current Plan Administrator has developed a data base on his home computer in Madison, IN, to maintain records that can be accessed in a timely manner without having to be in New Albany. That effort should continue.

In sum, the mission for 2004 is essentially the same as in previous years, with the goal of being even more effective in upholding the dignity of those most socially marginalized so that the ideal of every citizen having an equal presence before the bar of justice becomes a palpable reality.

2004 PRO BONO DISTRICT ACTIVITIES

Please check the activities that your district organization will provide during 2004 to support the pro bono efforts of the attorneys in your district. If the activity is provided by another organization in your district, please put a plus sign (+) in the blank following the activity.

- | | | | |
|-----|---|--|-------|
| ___ | √ | Providing intake and screening of prospective clients | ___ + |
| ___ | √ | Providing referral of prospective clients | ___ |
| ___ | √ | Matching cases with individual attorney experience | ___ |
| ___ | √ | Establishing and/or maintaining specialized panels of volunteer lawyers based on area of practice emphasis | ___ |
| ___ | √ | Providing resources for litigation and out-of-pocket expenses | ___ |
| ___ | √ | Providing legal education and training for pro bono attorneys in areas of practice emphasis useful in providing pro bono civil legal service | ___ |
| ___ | √ | Providing the availability of consultation with attorneys whose practice concentration is in an area of law about which a volunteer lawyer is providing pro bono civil legal service (mentoring) | ___ |
| ___ | √ | Providing malpractice insurance for volunteer pro bono lawyers | ___ + |
| ___ | √ | Establishing and/or maintaining procedures to ensure adequate monitoring and follow-up | ___ |
| ___ | √ | Establishing and/or maintaining procedures to measure client satisfaction | ___ |
| ___ | √ | Recognizing pro bono civil legal service by lawyers | ___ |
| ___ | √ | Providing community outreach, legal education services or programs | ___ |
| ___ | | Other _____ | ___ |
| ___ | | Other _____ | ___ |

2004 PRO BONO DISTRICT ACTIVITIES, continued

1. List the joint efforts, activities or programs in which your district organization will be involved. Please include the name of the other organization(s), a brief description of the activity and a description of the resources provided to the effort by all participating organizations.

Only in a preliminary stage at present, the Honorable Judge Ted R. Todd has raised the possibility of District 12 working in conjunction with District 14 where feasible. Formative plans will be laid out in a future meeting of the Board of Advisors.

2. Number of cases in your district awaiting assignment to a Volunteer Pro Bono Attorney as of the date this report is prepared: 2
3. Percentage estimate of the types of cases awaiting assignment:

Family Law (50 percent)	_____
Bankruptcy (50 percent)	_____
4. List the efforts that will be made to recruit new pro bono volunteer lawyers:
 1. Informal meetings with individual lawyers.
 2. Meetings with managing partners of firms.
 3. Presentation at area bar association meetings.
 4. Use of a brochure to explain the program and the lawyer's obligation and role.
 5. A CLE conference in which the price of admission for lawyers is a promise to volunteer pro bono services in a to-be-stipulated number of cases.

2004 DISTRICT BUDGET FORM

COST CATEGORY	IOLTA \$	OTHER \$	DONATED	TOTAL	2003 Revised & Estimated
A. Personnel Costs					
1. Plan Administrator	17,500	0	0	17,500	15,000
2. Lawyers	0	0	0	0	0
3. Paralegals	0	0	0	0	0
4. Others	0	0	0	0	0
5. Salary Subtotal	17,500	0	0	17,500	15,000
6. Employee Benefits	1,340	0	0	0	1,200
7. Total Personnel Costs	18,840	0	0	18,840	16,200
B. Non Personnel					
1. Occupancy	0	0	2,500	2,500	2,000
2. Equipment Rental	0	0	1,200	1,200	1,200
3. Office Supplies	0	0	500	500	350
4. Telephone	0	0	1,200	1,200	1,600
5. Travel	750	0	0	750	550
6. Training	500	0	0	500	0
7. Library	0	0	70	70	60
8. Malpractice Insurance	900	0	0	900	900
9. Dues and Fees	100	0	0	100	0
10. Audit	300	0	0	300	300
11. Contingent Reserve Fund for Operating Expenses	200	0	0	200	1,000
12. Marketing and Promotion	1,000	0	0	1,000	800
13. Litigation (Includes Expert Fees)	0	0	0	0	0
14. Property Acquisition	0	0	150	150	150
15. Purchase Payments	0	0	0	0	0
16. Contract Services to Clients	0	0	0	0	0
17. Contract Services to Program	0	0	0	0	0
18. Other	0	0	0	0	0
19. Total Non Personnel Costs	3,750	0	5,620	9,370	8,910
C. Total Expenditures	22,590	0	5,620	28,210	25,110
1. Total Program Disbursements	22,590	0	5,620	28,210	25,110
2. Litigation Fund *	0	0	0	0	0

*Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.,

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due (as needed)